

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WILLIAM DAVID CARROLL,)
)
Plaintiff,)
v.) CASE NO. 2:06cv549-MEF
)
ANTHONY CLARK, et al.,)
)
Defendants.)

O R D E R

On April 24, 2008, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 39). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. Defendants' motions for summary judgment (Doc. # # 18, 23) are GRANTED to the extent that defendants seek dismissal of the case for plaintiff's failure to exhaust available remedies.
2. This case is DISMISSED without prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for plaintiff's failure to exhaust an administrative remedy available to him during his confinement in the Covington County Jail. *Woodford v. Ngo*, ____ U.S. ___, 126 S. Ct. 2378 (2006).

Done this the 11th day of June, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE